

REMARKS/ARGUMENTS

The Applicant has reviewed and considered the office action and the objections and rejections set forth therein as well as the prior art cited by the examiner and made amendments in response thereto which Applicant believes places this patent application in a position for allowance.

More particularly, with regard to paragraph 2 of the office action in which the specification is objected to as failing to provide antecedent basis for the subject matter set forth in claims 3 and 7, Applicant has amended the Specification on page 5 by adding the dimensions of the arcuate plate.

Regarding claim 7, Applicant believes an antecedent basis already exists for the subject matter contained therein on page 5, lines 11-12 whereby it states that the "...arcuate floor-bolt apertures 7 that preferably have an arcuate length of at least three diameter lengths of floor bolts 8." As the word "plurality" means more than one, certainly "at least 3" is a plurality.

Accordingly, Applicant respectfully requests that the examiner withdraw its objections to the Specification.

Regarding paragraph 4 of the office action in which claims 1, 2, 4, 5 and 7 are rejected under 35 U.S.C. §102(b) as being anticipated by DeAngelis, Applicant has reviewed DeAngelis closely and notes that DeAngelis does not have a raised bolt-head bracket 2 with side walls 3 on a top side of a flange as does Applicant's invention as illustrated in Figs. 2 and 4 on sheet 1/4 of Applicant's drawings. The raised bolt-head brackets are designed to hold a toilet-bolt head between the two side walls of the bracket so that the bolt does not turn, but is rather locked in place when

trying to tighten the nut onto a bolt during toilet installation or when trying to remove the nut from the bolt when removing a toilet.

Likewise, Applicant notes that the flanges disclosed in the Bressler and Buchanan, Jr. patents also lack a raised bolt-head bracket. Thus, use of the DeAngelis, Bressler and Buchanan, Jr. patents would only provide a flange in which the bolt would move, tilt one way or another and even fall out of the bottom of the flange during toilet installation. The present invention, of course, solves these problems.

Furthermore, as the bolt-head bracket in the present invention is raised above the flange, it allows the bolt 14 to set higher so that one doesn't need a special long bolt to reach through the bolt hole on a toilet.

A further advantage of Applicant's invention over the flanges shown in the cited patents, particularly, that in the Bressler patent, is that the Applicant's flange does not need to be removed if one needs to replace the toilet bolt 14. On the other hand, in the Bressler patent, after a toilet has been installed, there is no way to remove the toilet bolt without removing or "uninstalling" the flange. Thus, with Bressler's device if the bolt threads are damaged and all one needs to is replace the bolt, the toilet and sleeve must be removed.

In view of the clear distinction between Applicant's invention and those cited in the prior reference, Applicant has amended claim 1 to reflect that it has at least one raised bolt-head bracket designed to hold the toilet bolt-head between at least two side walls. For antecedent basis, Applicant has also amended claim 4 to maintain the language "at least one raised bolt-head bracket." As this structural difference of the raised bolt-head bracket has been incorporated in independent claim 1, all remaining elected claims 2-5 and 7 which are directly or indirectly dependent from claim 1 should now be allowable as well.

Applicant has noted the prior art made of record and not relied upon, but due to the clear distinctions between Applicant's invention and said prior art, no comment is deemed necessary.

In view of the above amendments and remarks, Applicant believes the examiner will now find this patent application in a position for allowance and its expeditious passage to same is requested.

Should the examiner disagree or have any questions, comments or suggestions that will render this application allowable, a call to the undersigned attorney of record is invited.

Respectfully submitted,
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CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I HEREBY CERTIFY that the above Response and Amendment is being deposited with the United States Postal Service by first class mail on the 24 day of July, 2003, addressed to Mail Stop No Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


Legal Assistant